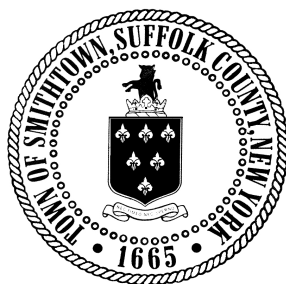


TOWN OF SMITHTOWN

SUFFOLK COUNTY, NY



RULES OF PROCEDURE IN APPEARING BEFORE THE SMITHTOWN BOARD OF ZONING APPEALS

RULE 1 - QUALIFICATIONS

Only the following person or persons may execute an application and appear before the Board:

- Owner of property
- Contract vendee of property
- Lessee or sub-lessee of property
- Attorney for owner, contract vendee, lessee or sub-lessee of property

RULE 2 - FILING OF AN APPLICATION

Applicant is required to submit the following as a complete package at the time of filing an application:

- Notice of Appeal** (not applicable to special exception) — applicant must submit proof of denial of a building permit application (obtainable at the Building Department), or a notice of appeal stating the specific grounds upon which applicant is appealing, whichever is applicable. An appeal to the Board of Zoning Appeals must be made within 60 days from the day of the determination appeals from. Upon application by the applicant, the Board of Zoning Appeals reserves the right to waive the 60-day time limit.
- Application Forms** - 2 “Applications to the Board of Zoning Appeals.”
- Environmental Assessment Form** - 2 copies completely filled out.
- Surveys** - Eight (8) copies of a survey or site plan drawn to 1” = 10’, 20’, 30’, or 40’ scale of the subject property which must include the following:
 - All property lines and dimensions of the subject property shall be shown on the survey.
 - The distance in feet to the nearest intersection and the names of the streets shall be shown on the survey.
 - All existing and proposed structures (e.g. decks, sheds, fences, pools, additions, etc.), shall be shown and labeled on the survey including the distance in feet to the nearest property lines.
 - All existing structures on neighboring properties shall be shown and labeled on the survey including the distance in feet to the nearest property lines.
 - The names of the property owners of the neighboring properties shall be shown on the survey.
 - The Suffolk County Tax identification number shall be indicated on the survey. The tax identification number can be found on you Suffolk County tax bill or by calling the Town of Smithtown Assessors office.
- Building Plans & Elevations** - Three (3) copies of the structures - front, rear, and/or side views
- Photographs** - Three (3) of the site (attach to an 8 ½” x 11” sheet of glossy photo paper.)
- Fees** – (Pursuant to Section 322-81G of the Building Zone Ordinance)

<u>Type</u>	<u>Fee</u>
Use variances	\$850
Lot area variances	\$600 per request
Frontage variances	\$350 per request
FAR variance	\$300 per request
Setback variances (includes parking setback variances)	\$250 first two (2) requests; \$50 per additional request
Height variances	\$300 per request
Height variances for accessory structure	\$150 per request
Parking variances	\$500
Sign variances	\$325 first request; \$50 per additional request
Environmentally sensitive land variances	\$300 first request; \$50 per additional request
Interpretations	\$600
Special exceptions for temporary living quarters	\$250
Special exceptions for harboring horses or ponies	\$300
All other special exceptions	\$900 in non-residence districts; \$750 in residence districts
Certificate of existing use	\$300
Requests for rehearing	\$50
Rehearings	50% of cost of the original entire application
Extensions of approval	\$50 for six months
Applications to legalize existing uses/structures in residence districts	\$300 in addition to other fees
Applications to legalize existing uses/structures in non-residence districts	\$750 in addition to other fees
All other requests	\$500

- Disclosure Affidavit** - if required, pursuant to Section 322-80A of the Building Zone Ordinance.
- Single and Separate Ownership** - (Where applicable for new house or undersize lot).

Applicant must produce the following:

 - A report from a member of the New York Board of Title Underwriters or an Abstract Company licensed to do business in the State of New York, showing the chain of title, from January 1, 1932 to date, (or from any other date of any ordinance making the subject lot non-conforming), covering the property for which the variance is requested and all adjoining properties.

- b. At the discretion of the Board of Zoning Appeals, the Board may require any, all, or part of a certified copy of all deeds, contracts, court orders, wills or other papers and documents on file having a date of January 1, 1932 or later, bearing on the ownership of the property for which the variance is requested and all adjoining properties.
- c. An affidavit of an officer of a title company or abstract company, stating that the certified copies mentioned in Paragraph “B” of this Rule constitute all deeds, etc. on file in the appropriate place.
- d. If the applicant is a contract vendee, a true copy of the contract must be presented at the hearing.

10. **All of the above** - shall be submitted as a complete package at the time of filing.

RULE 3 - NOTIFICATION

1. **Posting** - Applicant shall erect a sign on the subject property pursuant to Section 322-80B of the Building Zone Ordinance. It shall be erected for a full five (5) days prior to the public hearing. The sign shall not be set back more than ten (10) feet from the property line and shall not be less than two (2) or more than six (6) feet above the grade at the property line.
2. **Mailing** - Applicant must notify, at least fourteen days prior to the public hearing, by certified mail, return receipt requested, to the owners of all property within two hundred (200) feet of the exterior limits of the subject property, as shown on the latest assessment roll.
3. **Adjournments** - Applicant who wants the public hearing for his or her application to be adjourned should make the request before noon on Monday the day before the hearing. In case of an emergency, if you need an adjournment after the deadline it will be necessary for you to make the request at the beginning of the public hearing and state valid reasons why you need to adjourn.

RULE 4 - APPEARANCE BEFORE THE BOARD

1. **Swearing In** - All persons, other than the applicant’s attorney must approach the Board, state their name and address and be sworn in.
2. **Proof of ownership** - Applicant MUST produce a deed or contract to the property that is the subject of the application.
3. **Affidavit of Posting** - Applicant must have the affidavit of posting signed by the owner or individual who placed the sign on the property and notated on the same day of the meeting.
4. **Affidavit of Mailing** - Applicant to submit return receipts and the notarized Affidavit of Compliance signed by the applicant, indicating compliance with the mailing requirements of Section 322-80B(3) of the Building Zone Ordinance. The material should be submitted in a 9” x 12” envelope.
5. **Disorderly Conduct** - Any person who becomes unruly may be removed at the discretion of the Chairman or Acting Chairman of the Board of Appeals.

RULE 5 - PROCEDURE BY THE BOARD

Cases shall be heard in their advertised order. After the applicant has presented his case, the Chairman shall give adequate opportunity for the Board to hear comments from other interested parties.

After all the advertised matters have been heard, the Board shall then hear any adjourned matters.

RULE 6 - PERMITS: TIME TO APPLY FOR

Permits for Variances and special exceptions granted by the Board of Zoning Appeals MUST be obtained within six (6) months after the date of the rendering of the decision. Extensions of this period may be granted by the Board upon receipt of a written request by applicant.

RULE 7 - REHEARINGS

Reapplications for the same request shall not be accepted for at least one (1) year after the decision unless the Board grants permission for a rehearing.

An application for a rehearing must be based upon one of the following grounds:

1. Applicant has new evidence that must be shown to have been unavailable at the time of the original hearing.
2. Show that the Board has overlooked some controlling decision, a controlling principle of law or misapprehended the facts as originally presented.

Any person making application for a rehearing shall deposit with the Secretary to the Board a new fee for each case upon which a rehearing is applied for.

RULE 8 - RECORD KEEPING

The Planning Department shall be the receiving and record-keeping agency for the Board of Zoning Appeals. Minutes of the Board’s proceedings are maintained at the Town Clerk’s office, and are public record.

REMINDER TO ALL BOARD OF APPEALS APPLICANTS
IMPORTANT -- PLEASE READ

1. Please read all instructions carefully. If you have any questions, call the Planning Department at 360-7540 Monday- Friday, 9am to 5pm (July-August 9am to 4pm).
2. Please make sure that all forms are fully and accurately completed.
3. Please make sure that the plans are complete, accurate, and to scale.
4. Please remember to complete the appropriate Environmental Assessment Form.
5. Please remember to send notice via CERTIFIED MAIL RETURN RECEIPT REQUESTED to all owners within 200 feet of your land at least 14 days before your hearing and bring to the hearing the signed, notarized Affidavit of Compliance along with all receipts from the certified mailing.
6. Please remember to post your property for five (5) full days before the hearing and bring to the hearing the signed, notarized Affidavit of Posting.
7. For variance applicants, do not take it for granted that your application will be approved. You must prove to the board that adherence to the zoning ordinance would result in a practical difficulty. Even if you prove practical difficulty, the Board would deny the request if it determines that denial is necessary to protect the public health, safety, or welfare.
8. For special exception applicants, you do not have to prove practical difficulty, but you must meet all of the requirements in the ordinance for special exception uses. If any of the requirements are not met, the application must be denied. Please read pages 32327 to 32354 of the zoning ordinance for details.



TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
APPLICATION TO THE BOARD ZONING APPEALS

*Please see separate sheet for instructions. If you have questions, please call
Planning Dept. (360-7540). Original copies only. Faxed or photocopies are
not acceptable.*

Applicant: _____

BZA CASE # _____

P. O. Address: _____

Tax Map No. _____

Property Owner: _____

Contact Person: _____

P.O. Address: _____

P. O. Address: _____

Telephone No.: _____

Telephone No.: _____

Applicant's standing:

☐ Owner

☐ Contract Vendee

☐ Lessee

☐ Contract Lessee

☐ of the subject parcel

☐ of an affected parcel
(for interpretations only)

1. Location of property (including distance to nearest intersection) _____

2. Zoning District(s) as shown on the Zoning Map _____

3. When was the subject structure constructed? _____

4. What are you proposing to build or maintain? _____

5. Is the property in separate ownership from all adjoining properties?

(a) If yes, since what date _____

(b) If no, what adjoining property is held by the same owner? _____

6. Type of Application (check all that apply):

☐ Area Variance (e.g., setback, height, frontage, etc.)

☐ Use Variance (e.g., retail in a residence district)

☐ Interpretation of Zoning Ordinance

☐ Interpretation of District Boundary

☐ Special Exception

☐ Certificate of Existing Use

☐ Variance of §280A requirements

☐ Variance of §239K requirements

7. Reason for Application (complete relevant sections):

(a) A VARIANCE of Section _____ Subsection _____ of the Building Zone Ordinance is requested
to _____

(b) A SPECIAL EXCEPTION under the Zoning Ordinance is requested pursuant to §322-8B of the Zoning Ordinance to
(circle one) operate/expand/modify the following land use: _____

(OVER)

(c) INTERPRETATION: I believe that under the Zoning Ordinance, the Town was in error in (circle one) denying/issuing a permit because:

8. Area Variance Considerations. (All questions must be answered. Attach additional sheets if necessary).

1. The variance (circle one) would/would not produce an impact on adjacent properties or the neighborhood because:

2. The request (circle one) is/is not substantial because:

3. The benefit (circle one) can/cannot be achieved by an alternative because:

4. The variance (circle one) would/would not cause an adverse effect on the environment because:

5. The difficulty (circle one) was/was not created by the applicant or a former owner because:

9. Special exception standards: Attach on separate sheets of paper, explaining in detail how the special exception meets(or does not meet) each of the general standards required for all special exception uses pursuant to §322-94G of the Building Zoning Ordinance and how the special exception meets (or does not meet) each of the specific standards(if any) required for this special exception pursuant to §322-82 of the Building Zoning Ordinance.

OWNER'S ENDORSEMENT

COUNTY OF SUFFOLK

STATE OF NEW YORK

_____ being duly sworn, deposes and says that he/she resides at _____ and State of _____ and that he/she is (the owner in fee) (_____ of the _____ Corporation which is the owner in fee) of the premises described in the foregoing application and that he has authorized _____ to make the foregoing application approval as described herein.

Sworn to before me this _____ day of _____ 20_____

Notary Public, Suffolk County

Signature

Print or Type Name

APPLICANT'S AFFIDAVIT

STATE OF NEW YORK

COUNTY OF SUFFOLK

_____ being duly sworn, deposed and says I am the owner, attorney for owner, contract vendee, lessee of the property above described. I understand that if this is a special exception application the acceptance of this application by the town does not imply that it meets the special exception standards, that also it is my responsibility to demonstrate to the Board of Appeals that the proposal meets the standards, and further if I need any variances of the standard in order for the special exception to be approved it is my responsibility to apply for those variances as part of this application. That all statements made in this application are true to the best of my knowledge and belief, except as to the matter therein stated to be alleged on information and belief and as to the matters I believe the same to be true. I hereby grant the Zoning Board members and municipal staff to enter onto my property for purposes of site inspection prior to public hearing.

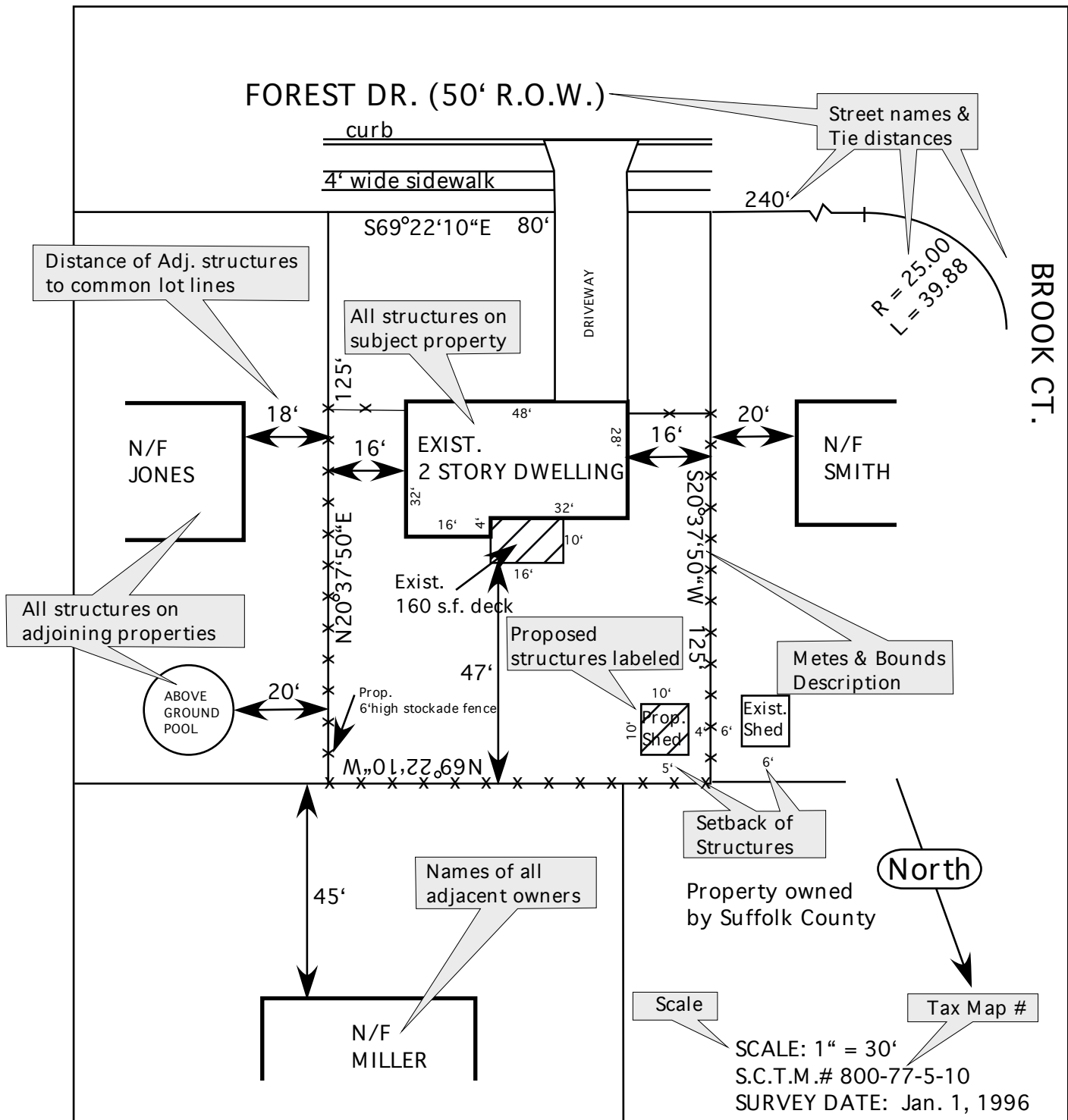
Sworn to before me this _____ day of _____ 20_____

Notary Public, Suffolk County

Signature

Print or Type Name

EXAMPLE OF SURVEY OR PLOT PLAN FOR BOARD OF ZONING APPEALS APPLICATIONS



CHECKLIST OF REQUIRED ITEMS

- | | |
|---|---|
| <input type="checkbox"/> Scale | <input type="checkbox"/> Existing structures labeled |
| <input type="checkbox"/> Suffolk Tax Map # | <input type="checkbox"/> Proposed structures labeled |
| <input type="checkbox"/> Metes and Bounds Description | <input type="checkbox"/> Dimensions of structures |
| <input type="checkbox"/> Street names and tie distances | <input type="checkbox"/> Setback of all structures |
| <input type="checkbox"/> All structures on subject property | <input type="checkbox"/> Names of all adjoining owners |
| <input type="checkbox"/> All structures on adjoining properties | <input type="checkbox"/> Distances of adjoining structures to common lot lines. |

Prepared By:
Town of Smithtown Planning Department
August, 2002

June 2012

Appendix C**State Environmental Quality Review****SHORT ENVIRONMENTAL ASSESSMENT FORM****For UNLISTED ACTIONS Only****PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Municipality _____ County _____ </div>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <div style="height: 60px; border: 1px solid black; margin-top: 5px;"></div>	
5. PROPOSED ACTION IS: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration </div>	
6. DESCRIBE PROJECT BRIEFLY: <div style="height: 60px; border: 1px solid black; margin-top: 5px;"></div>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <div style="display: flex; margin-top: 5px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly </div>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other </div> Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <div style="display: flex; margin-top: 5px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: </div>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <div style="display: flex; margin-top: 5px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: </div>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <div style="display: flex; margin-top: 5px;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Applicant/sponsor name: _____ Date: _____ </div> <div style="display: flex; margin-top: 5px;"> Signature: _____ </div>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: 	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Name of Lead Agency</div>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Date</div>
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</div>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Title of Responsible Officer</div>
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Signature of Responsible Officer in Lead Agency</div>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <div style="text-align: center;">Signature of Preparer (If different from responsible officer)</div>

BZA APPLICATION CHECKLIST

Case No.: _____ Planner: _____ Accepted : Yes: ☐

SCTM # _____ Processed by: _____ No: ☐

Applicant: _____

Required Paperwork - (Incomplete applications will not be accepted)

- ☐ Two (2) Application Forms
- ☐ Denial from Building Dept. for Building Permit.
- ☐ Disclosure Affidavit (to be completed by property owner if necessary).
- ☐ Two (2) EAF Forms (side one only) with fee. (See schedule attached)
- ☐ Affidavit of Applicant - (Applies to temporary living quarters and the ownership of horses only.)
- ☐ Eight (8) surveys and/or site plans.
- ☐ Three (3) floor plans (if applicable).
- ☐ Three (3) elevation plans - front, rear and/or side views.
- ☐ Three (3) photographs (*Glossy Photo Paper*) - applicable views.
- ☐ (2 checks) BZA Fee(s): _____ EAF Fee: _____
- ☐ Prior Case No. From Tax Map Index:

Planning Review:

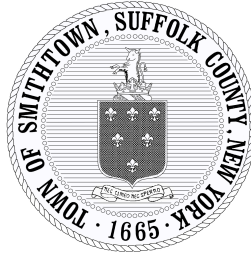
Site Plan or Survey Requirements:

- ☐ Drawn to Architectural and/or Engineering Scale
- ☐ Metes and Bounds Description
- ☐ Street Names and Tie Distances
- ☐ All structures on subject property
- ☐ Existing and proposed structures labeled
- ☐ Dimensions of adjoining properties
- ☐ Distances of adjoining structures to common lot lines

Related Planning Matters:

- ☐ Environmentally sensitive lands (§322-19 of the BZO)
- ☐ Paper Street - Planning Board
- ☐ Date of filing for Subdivision (2 years)
- ☐ Adjoining substandard lots
- ☐ Coastal Assessment Form Review required - (LWRP)

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



AFFIDAVIT OF APPLICANT

In the Matter of the Application
Of

CASE # _____
(Board of Zoning Appeals)

P.O. Address _____

STATE OF NEW YORK
SS:
COUNTY OF SUFFOLK

I _____, residing at _____
_____, New York, being duly sworn, deposes and say:

That I, the named applicant for a special exception for the above located premises pursuant to §322-82 of the Building Zone Ordinance of the Code of the Town of Smithtown, hereby agree to the following if the aforesaid application be granted:

At no time during the stipulated three year period granted shall an outside and or separate entrance be created for the temporary dwelling unit, nor shall the temporary dwelling unit be relocated, or to be below the first floor grade of the building.

That if during the stipulated three year period granted that such need and use shall terminate, then I will personally see that the following is immediately accomplished:

All separate cooking facilities for the temporary dwelling unit-occupied by my _____

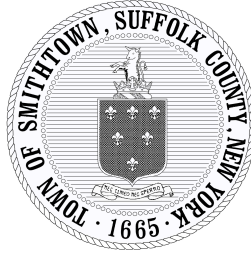
(state relationship) (legal name of relation)
shall be removed and the area shall be reconverted to a single-family residential use.

Sworn to before me this _____
_____ day of _____, 20____

(Signature)

(Notary Public)

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



DISCLOSURE AFFIDAVIT
(See Instructions Below)

In the Matter of the Application

Case # _____

Of

FULL DISCLOSURE
AFFIDAVIT

P. O. Address _____

STATE OF NEW YORK

SS.:

COUNTY OF SUFFOLK

(name), being duly sworn, deposes and says:

1. This affidavit is made by your deponent and intent to be filed with The Town Board - Board of Zoning Appeals of the Town of Smithtown (cross out one) to fulfill requirements of the Building Zone Ordinance with respect to the above entitled Application made or intended to be made affecting property located and described as follows:

(Continue on the back of this page.)

Instructions:

This affidavit must be signed by all owners of record, contract vendees, lessors, lessees, sub-lessees, contract lessors, contract lessees, contract sub-lessors, contract sub-lessees, holders of beneficial interest, contract holders of beneficial interest, holders of encumbrances and contract holders of encumbrances. The purpose of this affidavit is to insure disclosure of any interest of any nature or form whether oral or written held by any individual, partnership, firm, or corporation. (Exception: Lending institutions licensed or franchised by the State of New York, public corporations and lessees, contract lessees, sub-lessees and contract sub-lessees of less than a whole interest in land are not required to execute this affidavit. Individual applicant or applicants who are husband and wife need not file this affidavit in connection with applications for an area variance or an interpretation of any provision of this ordinance with respect to residential property, unless directed to do so by the Board of Zoning Appeals.)

2. Signatures of this Affidavit as specified above under Instructions shall fill out the following applicable items:
(If necessary, attach additional information on separate sheet.)

a. If signator is an individual, state full name and street address;

b. If signator is a partnership, state the name, street address and the nature of interest of each partner;

c. If signator is a corporation, state name and street address of each officer, director and stockholder;

d. If signator is a corporation and stock has been pledged or agreement made to pledge stock, state name and street address of all persons to whom stock has been pledged or with whom any agreement has been made to pledge the stock. If none, so state;

e. State name and address of all persons, individuals, partnerships and/or corporations who are holders of any instrument creating an encumbrance upon the property; state the nature of such encumbrance; and if the holder of such encumbrance is a corporation (See Exception) state the names of all officers, directors and stockholders of such corporation;

f. State whether any person whose name is contained herein either as a signator or as a party having any interest in the property as defined herein is an officer or employee of the Town of Smithtown or is related thereto either by blood or by marriage and if so, state name and relationship;

g. If the signator is the owner of the property, contract vendee, or other, so state;

h. State whether any person, partnership, firm or corporation has any interest, as defined in the Instructions in respect to the subject property. If none, so state; if otherwise, set forth names, addresses, and nature of interest;

i. All signators hereby agree that in the event there is any change in any matter set forth herein after the execution hereof and prior to the issuance of a Certificate of Occupancy for the property affected hereby, they shall file with the Planning Department a Supplemental Affidavit containing the details of such change within forty-eight hours of such change.

APPLICANT'S AFFIDAVIT

Deponent makes this Affidavit to induce the Town Board - Board of Zoning Appeals (cross out one) to act favorably upon deponent's concomitant Application, with full knowledge that the Town Board - Board of Zoning Appeals will rely upon the statements made herein.

_____being duly sworn deposes and says that deponent is the signator of the above Affidavit; that deponent has read the foregoing Affidavit and knows the content thereof; that the same is true to deponent's own knowledge.

Signed_____

(Individual)

Signed_____

(Partner or Corporate Officer)

(Title)

Sworn to before me this
_____ Day of _____, 20____

(Notary Public)

NOTICE PURSUANT TO SECTION 322 - 80B(3)
OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF SMITHTOWN

TO ALL OWNERS OF PROPERTY WITHIN 200 FT. OF THE EXTERIOR LIMITS OF SUBJECT PROPERTY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CASE NO. _____

DATE _____

APPLICANT: _____

ZONING DISTRICT _____

TO: _____

Dear Property Owner:

Pursuant to the provisions of Section 322 - 80B(2) of the Building Zone Ordinance of the Town of Smithtown, notice is hereby given that the Board of Zoning Appeals will hold a Public Hearing at Senior Citizen Center, 420 Middle Country Road, Smithtown, New York on _____ at _____ to consider, among other matters, the following application of the above-named applicant concerning the provisions of the Building Zone Ordinance of the Town of Smithtown:

Type(s) of Application:

Variance

Interpretation

Special Exception

Affecting property located at: _____

Description of Request(s): _____

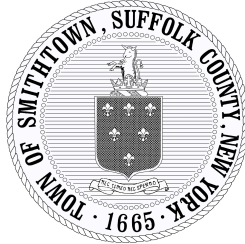
Cases will be heard in the order in which they are advertised after the completion of other business. Matters undisposed of at the close of the hearing will be held over until the next regular hearing of the Board.

Very truly yours

Applicant

June 2012

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



AFFIDAVIT OF COMPLIANCE WITH NOTIFICATION PROVISIONS
OF SECTION 322-80B(3)

Case No. _____

Hearing Date: _____

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

_____, residing at
(Applicant)
_____, New York,

being duly sworn, deposes and says:

That he/she is the named applicant for a _____
(Copy from application)

affecting property located at _____

Town of Smithtown, County of Suffolk;

That he/she has read and is fully familiar with the requirements of §322-80B(3) of the Code of the Town of Smithtown;

That on the _____ Day of _____, 20____, which is not less than fourteen (14) days prior to the public hearing of this application, the undersigned applicant mailed a notice, pursuant to §322-80B(3) of the Building Zone Ordinance, Town of Smithtown, using the form designated by the Town of Smithtown, by Certified Mail, Return Receipt Requested, upon the following owners of all property WITHIN TWO HUNDRED (200) feet of the exterior limits of the property which is the subject matter of this application as shown on the latest assessment roll, effective on the date the application with the Board of Zoning Appeals and maintained by the Town of Smithtown,

(Please enter names and addresses of property owners on reverse side; also indicate names and addresses of property owners of mail deemed undeliverable by the United States Post Office Department within the State of New York.)

Deposit said notice enclosed in a post-paid, properly addressed wrapper marked **CERTIFIED MAIL - RETURN RECEIPT REQUESTED** in a Post Office official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Applicant

Sworn to before me this

_____ day of _____, 20____

Notary Public

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

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Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Undelivered Mail:

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

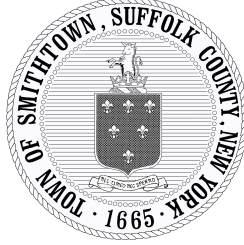
Address: _____

Name: _____

Address: _____

(If necessary, attach additional names and addresses of property owners on separate sheet)

TOWN OF SMITHTOWN
SUFFOLK COUNTY, N.Y.



AFFIDAVIT OF POSTING

In the Matter of the Application
Of

Case No. _____

P.O. Address _____

STATE OF NEW YORK)
COUNTY OF SUFFOLK)

_____, residing at _____

_____, New York, being duly sworn, deposes and says:

That he is the named applicant for a _____ affecting property located at _____

_____, Town of Smithtown, County of Suffolk.

That he has read and is fully familiar with the requirements of Section 322-80B (2), 322-94A(1) b, 248-2A (1) of the Code of the Town of Smithtown (whichever section is applicable).

That in accordance therewith he has caused a sign which complies with requirements of the applicable sections of the aforesaid Code of the Town of Smithtown to be prominently displayed on the subject property in the required manner, giving notice to the public of the pending application, the date, time and place of the public hearing.

That the said sign has been continuously displayed on the property for a period of five (5) days immediately preceding the public hearing date.

That he make this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Code of the Town of Smithtown.

Sworn to before me this

_____, Day of _____, 20____

(Notary Public)

Signature

**NOTE: THIS AFFIDAVIT MUST BE SWORN
TO AND SIGNED ON THE DAY OF THE MEETING.
(NOT AT THE MEETING)**

INSTRUCTIONS:

Any person making application is required to erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held.

Such signs may be obtained from the Town Clerk's office for an application for a change of zoning or the Planning Department for a subdivision or related matter before the Planning Board or a variance or special exception before the Board of Zoning Appeals. Signs are to be displayed for a period of not less than five (5) days immediately preceding the hearing date or any adjourned hearing date (except adjourned Planning Board hearings). The sign shall not be set back more than ten (10) feet from any front property line and shall not be less than two (2) feet or more than six (6) feet above the ground level. Said sign shall be affixed to a suitable form which will assure visibility from the street at all times.

You are required to file this affidavit that this requirement has been complied with. The Board will not proceed with the public hearing on your application unless you submit the affidavit at the scheduled meeting.

The precise legal wording of this requirement is contained in Section 322-80B (2), 322-94A (1), 248-2A (1) of the Code of the Town of Smithtown (whichever section is applicable).
June 2012